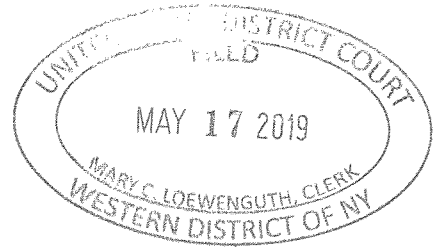


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

DECISION AND ORDER

18-CR-6044 EAW

JOSHUA VANDEGRIFT,

Defendant.

Defendant Joshua Vandegrift (“Defendant”) stands accused by way of a Superseding Indictment returned on May 8, 2018, with eight separate counts of crimes related to child pornography, attempted enticement of a minor, and similar related crimes, in violation of various provisions of Chapters 71, 110 and 117 of Title 18 of the United States Code. (Dkt. 42). This Court referred all pretrial matters in the case to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. §§ 636(b)(1)(A)-(B). (Dkt. 38).


On March 15, 2019, Magistrate Judge Payson issued a thorough Report and Recommendation recommending that this Court deny Defendant’s pretrial motion (Dkt. 65) to dismiss the indictment, for disclosure of grand jury minutes, and for suppression of statements and evidence. (*See* Dkt. 78). Pursuant to Fed. R. Crim. P. 59(b)(2) and 28 U.S.C. § 636(b)(1)(C), the parties had 14 days after being served a copy of the Report and Recommendation to file objections. Because new counsel was appointed on behalf of Defendant after Judge Payson issued the Report and Recommendation, this Court allowed Defendant’s new counsel time to advise whether he would seek to file objections to the

Report and Recommendation. Defendant's new counsel subsequently advised that no objections would be filed (Dkt. 86), and in fact, no objections have been filed by either party.

The Court is not required to review *de novo* those portions of a report and recommendation to which objections were not filed. Fed. R. Crim. P. 59(b)(2) ("Failure to object in accordance with this rule waives a party's right to review."); see *Molefe v. KLM Royal Dutch Airlines*, 602 F. Supp. 2d 485, 487 (S.D.N.Y. 2009) (to trigger the *de novo* review standard, objections to a report "must be specific and clearly aimed at particular findings in the magistrate judge's proposal").

Notwithstanding the lack of objections, the Court has conducted a careful review of the Report and Recommendation as well as the filings previously made in the case, and finds no reason to reject or modify the Report and Recommendation of Magistrate Judge Payson. Therefore, the Court accepts and adopts the Report and Recommendation in its entirety. (Dkt. 78). For the reasons set forth in the Report and Recommendation, this Court denies Defendant's motion to dismiss the indictment, motion for disclosure of the grand jury minutes, and motion to suppress statements and evidence. (Dkt. 65).

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: May 16, 2019
Rochester, New York